



**RECEIVED
CENTRAL FAX CENTER**

APR 27 2005

**FOLEY & LARDNER LLP
ATTORNEYS AT LAW**

11250 EL CAMINO REAL, SUITE 200
SAN DIEGO, CA 92130
P.O. BOX 80278
SAN DIEGO, CA 92138-0278
TELEPHONE: 858.847.6700
FACSIMILE: 858.792.6773
WWW.FOLEY.COM

FACSIMILE TRANSMISSION

Total # of Pages 10 (including this page)

TO:	PHONE #:	FAX #:
Examiner Thaian N. Ton, Group Art Unit 1632 United States Patent and Trademark Office	(571) 272-0736	(703) 872-9306

From : Steven C. Koerber, Ph. D., Patent Agent
Email Address : skoerber@foley.com
Sender's Direct Dial : 858.847.6725
Date : April 27, 2005
Client/Matter No : 073442-0301
User ID No :

MESSAGE:

Re: United States Patent Application No. 09/675,509

Following are:

- 1) Amendment Transmittal (3 pgs.)
- 2) Response to Notice of Non-Compliant Amendment Under 37 CFR 1.121 (6 pgs.)

If there are any problems with this transmission or if you have not received all of the pages, please call 858.847.6700.

Operator:	Time Sent:	Return Original To: Mercedes F. "Ched" Dipasupil
-----------	------------	---

CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

Atty. Dkt. No. 073442-0301

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Chandler Fulton, et al.

Title: THIAMINASES AND
THIAMINASE GENES FOR USE
IN APOPTOTIC THERAPIES

Appl. No.: 09/675,509

Filing Date: 09/29/2000

Examiner: T. Ton

Art Unit: 1632

CERTIFICATE OF FACSIMILE TRANSMISSION	
I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.	
Mercedes F. Dipasupil (Printed Name)	
<i>Mercedes F. Dipasupil</i> (Signature)	
April 27, 2005 (Date of Deposit)	

AMENDMENT TRANSMITTAL

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

☒ Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous assertion of Small Entity status.

☒ The fee required for additional claims is calculated below:

	Claims As Amended		Previously Paid For		Extra Claims Present		Rate		Additional Claims Fee
Total Claims:	18	-	31	=	0	x	\$50.00	=	\$0.00
Independent Claims:	7	-	7	=	0	x	\$200.00	=	\$0.00
First presentation of any Multiple Dependent Claims:		+					\$360.00	=	\$0.00
CLAIMS FEE TOTAL									= \$0.00

In re application of
Chandler Fulton et al.
Application No.: 09/675,509
Page 2 of 3

Atty. Dkt. No. 073442-0301

- ☐ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

<input type="checkbox"/> Extension for response filed within the first month:	\$120.00	\$0.00
<input type="checkbox"/> Extension for response filed within the second month:	\$450.00	\$0.00
<input type="checkbox"/> Extension for response filed within the third month:	\$1,020.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fourth month:	\$1,590.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fifth month:	\$2,160.00	\$0.00
EXTENSION FEE TOTAL:		\$0.00
<input type="checkbox"/> Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$130.00	\$0.00
CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:		\$0.00
<input checked="" type="checkbox"/> Small Entity Fees Apply (subtract ½ of above):		\$0.00
TOTAL FEE:		\$0.00

- ☐ Please charge Deposit Account No. 50-0872 in the amount of \$0.00. A duplicate copy of this transmittal is enclosed.
- ☐ A check in the amount of \$0.00 is enclosed.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

In re application of
Chandler Fulton et al.
Application No.: 09/675,509
Page 3 of 3

Atty. Dkt. No. 073442-0301

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date April 27, 2005

By



FOLEY & LARDNER LLP
Customer Number: 30542
Telephone: (858) 847-6725
Facsimile: (858) 792-6773

Steven C. Koerber
Registration No. 54,233 for
Richard J. Warburg
Attorney for Applicant
Registration No. 32,327

Atty. Dkt. No. 073442-0301

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Chandler Fulton, et al.
Title: THIAMINASES AND
THIAMINASE GENES FOR USE
IN APOPTOTIC THERAPIES
Appl. No.: 09/675,509
Filing Date: 9/29/2000
Examiner: T. Ton
Art Unit: 1632
Conf. No.: 1879

CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below. Mercedes F. Dipasupil (Printed Name) <i>Mercedes F. Dipasupil</i> (Signature) April 27, 2005 (Date of Deposit)
--

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT UNDER 37 CFR 1.121

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is responsive to the Notice of Non-Compliant Amendment dated April 19, 2005, concerning the above-referenced patent application.

Applicant has enclosed a complete listing of all of the claims.

The Listing of Claims begins on page 2 of this document.